

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Deborah S. Hunt  
Clerk

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Filed: April 05, 2019

Ms. Laura Danielle Mazor  
Federal Defender Office  
613 Abbott Street  
Fifth Floor  
Detroit, MI 48226

Re: Case No. 19-1144, *Melvin Wofford v. Jeffrey Woods*  
Originating Case No.: 2:16-cv-13083

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely,

s/Antoinette Macon  
Case Manager  
Direct Dial No. 513-564-7015

cc: Mr. John S. Pallas  
Mr. David J. Weaver

Enclosure

No mandate to issue

No. 19-1144

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Apr 05, 2019  
DEBORAH S. HUNT, Clerk

MELVIN WOFFORD,

Petitioner-Appellant,

V.

JEFFREY WOODS, Warden,

Respondent-Appellee.

O R D E R

Before: NORRIS, SUTTON, and COOK, Circuit Judges.

This matter is before the court upon initial consideration to determine whether this appeal was taken from an appealable order.

On November 5, 2018, the district court conditionally granted Melvin Wofford a writ of habeas corpus because it believed that the removal of a holdout juror from his trial contravened the Constitution. The district court also found that Wofford's insufficiency-of-the-evidence claim did not warrant a writ. On November 26, 2018, the respondent appealed the judgment (appeal No. 18-2367). On January 29, 2019, Wofford filed a motion for a certificate of appealability, nominally under Federal Rule of Civil Procedure 60(b), as to the insufficiency-of-the-evidence claim. On February 5, 2019, the district court denied Wofford's January 29, 2019, motion for a certificate of appealability. On February 7, 2019, Wofford appealed the February 5, 2019, order (appeal No. 19-1144, the current appeal).

This court lacks jurisdiction over appeal No. 19-1144. An order ruling on a certificate of appealability is not appealable. *See Sims v. United States*, 244 F.3d 509, 509 (6th Cir. 2001).

No. 19-1144

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It is therefore ordered that appeal No. 19-1144 is **DISMISSED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk